



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Grouzmann, *et al.*

Appl. No.: 09/993,959

Filed: November 27, 2001

For: **Method of Treating Rhinitis or Sinusitis**

Art Unit: 1654

Examiner: M. Meller

Atty. Dkt.: 7571/73191
(Formerly 81985/282428)

RECEIVED
JUL 30 2003
TECH CENTER 1600/2900

REQUEST FOR CONTINUED EXAMINATION

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, MS AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This is a Request for Continued Examination (RCE) of the above-identified application under 37 C.F.R. §1.114.

1. Submission required under 37 C.F.R. §1.114:

a. Previously submitted:

- ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on [1.116 Amendment filed].
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [Appeal Brief filed].
- ☐ Other:

b. Enclosed:

- ☐ Amendment and Response Under 37 C.F.R. § 1.111
- ☐ Affidavit(s)/Declaration(s)
- ☒ Information Disclosure Statement (IDS)
- ☐ Other:

07/29/2003 JBALINAW 00000059 061135 09993959

01 FC:2801 375.00 DA

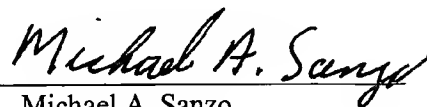
2. Additional Items:

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of [No. of Months Suspension 1.103(c)] months. (Period of suspension shall not exceed three months; fee under 37 C.F.R. §1.17(i) required.)
- ☒ A petition for extension of time is enclosed.
- ☒ A return postcard is enclosed.
- ☐ Other: Change of Address Notice
- ☒ Applicant(s) assert entitlement to Small Entity Status.
- ☐ RCE Fee required under 37 C.F.R. § 1.17(e) without a claim of small entity status is: \$750.00.
- ☒ RCE Fee required under 37 C.F.R. § 1.17(e) by an entity claiming small entity status is: \$375.00.
- ☐ A check in the amount of \$ [Check Amount enclosed] is enclosed.
- ☒ Charge \$ \$375.00 to Deposit Account No. 06-1135 under Order No. 7571/73191.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in duplicate.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicants

Date July 28, 2003
1801 K Street, N.W., Suite 401L
Washington, DC 20006-1201
Phone: (202) 419-7013



FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

SUITE 401L - 1801 K STREET, NW
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000

FACSIMILE (202) 419-7007

ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LASALLE STREET, CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7707

TELEPHONE (619) 552-1311

COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302

TELEPHONE (303) 402-6966

July 28, 2003

CHRISTOPHER E. GEORGE
SCOTT J. MENGHINI
EDWARD E. CLAIR
SANDRA V. SCAVO
JON A. BIRMINGHAM
RUDY KRATZ
RAMON R. HOCH*
JOHN E. LYHUS
STEVEN M. FREELAND
DONNA E. BECKER
SEAN R. O'DOWD
MICHAEL G. VRANICAR
BRIAN S. CLISE
MARTIN R. BADER
DEREK L. PRESTIN
MARK A. BORSOS
DAVID R. JAGLOWSKI
W. BRIAN EDGE*

PATENT AGENTS

ERIC J. WHITESSELL
JONATHAN H. BACKENSTOSE
LILIA I. SAFONOV

OF COUNSEL

THOMAS F. LEBENS
GEOFFREY W. SPELLMIRE, JR.
LISA M. SOMMER

*ADMITTED TO D.C. BAR; D.C. PRACTICE OF
ALL OTHERS LIMITED TO FEDERAL COURTS
AND AGENCIES

MORGAN L. FITCH, JR.
FRANCIS A. TWIN*
JULIUS TABIN
JOHN F. FLANNERY
ROBERT B. JONES
JAMES J. SCHUMANN
JAMES J. HAMILL
TIMOTHY E. LEVSTIK
JOSEPH E. SHIPLEY
KENNETH H. SAMPLES
PHILIP T. PETTI
JOSEPH T. NABOR
STEVEN C. SCHROER
RICHARD A. KABA*
KARL R. FINK
MARK W. HETZLER
TIMOTHY P. MALONEY
JAMES P. KRUEGER
STEPHEN S. FAVAKEH
EDWARD W. GRAY, JR.*
RICHARD E. WAWRZYNIAK
STEVEN G. PARMELEE
SHERRI N. BLOUNT*
BRUCE R. MANSFIELD
KENDREW H. COLTON*
G. PAUL EDGELL*
RICHARD W. SCHUMACHER
MICHAEL A. SANZO*

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, MS AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202
Assistant Commissioner for Patents
Washington, DC 20231

Re: Amendment and Response and
Request for Continued Examination
Appl. No.: 09/993,959
Filed: November 27, 2001
Title: **Method of Treating Rhinitis or Sinusitis**
Inventor(s): Grouzmann, *et al.*
Atty. Dkt.: 7571/73191 (formerly 81985/282428)

Dear Sir:

On April 18, 2003, Applicants received a final Office Action rejecting all pending claims in the above-noted application. A response to the Office Action is enclosed herewith. In order to have certain references considered by the Examiner, Applicants are also filing a Request for Continued Examination, an Information Disclosure Statement and a Petition for a one-month extension of time.

The Commissioner is hereby authorized to charge the following fees to our Deposit Account No. 06-1135 under Order No. 7571/73191 (Small Entity status is claimed):

07/29/2003 JRALINAN 00000004 061135 09993959
Sale Ref: 00000059 DAH: 061135 09993959
01 EC:2801 375.00 DA
02 FC:2251 55.00 DA

Commissioner of Patents
July 28, 2003
Page 2

Fee for an RCE	\$ 375.00
Fee for a 1-month EOT	<u>55.00</u>
TOTAL	\$ 430.00

The Commissioner is also hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7571/73191.

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

Michael A. Sanzo

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

MAS:ct
Enclosures